



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

TM
F.#2005R00060

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 8, 2011

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vincent Basciano
Criminal Docket No. 05-060 (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter in response to the Court's order of February 7, 2011, regarding the government's position with respect to its motion for a protective order under 18 U.S.C. § 3432 (Docket No. 1042). The government will accept service from the defendant of subpoenas on behalf of the government's witnesses.

For this reason, and as provided by statute, the government should be required to disclose its witness list three days prior to the commencement of trial, which has been interpreted to mean the commencement of voir dire. See United States v. Young, 533 F.3d 453, 461 (6th Cir. 2008); United States v. Barrett, 496 F.3d 1079, 1116-17 (10th Cir. 2007).

Respectfully submitted,

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cc: Defense Counsel (by ECF)